

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on February 18, 2009 at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None

Members Absent: Sen. Carol C. Juneau (D)

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 379, SB 380, SB 381, SB 382,
2/11/2009

Executive Action: SB 221-Do Pass As Amended, SB 332-
Tabled, SB 333-Tabled, SB 327-Do
Pass As Amended-Withdrew Motion

EXECUTIVE ACTION ON SB SB 221

00:02:12 **Motion:** Sen. Jent moved that **SB 221 DO PASS.**

00:02:22 **Motion:** Sen. Jent moved that **SB 221 BE AMENDED.**
EXHIBIT(jus38a01)

Discussion:

00:03:12 Valencia Lane, Legislative Services Division (LSD)

Discussion:

00:04:11 Sen. McGee
00:04:34 Sen. Jent
00:04:51 Sen. McGee
00:05:02 Sen. Jent

00:06:44 **Vote:** Motion that **SB 221 BE AMENDED** carried
unanimously by voice vote. Sen Juneau voted by proxy.

00:07:07 **Motion:** Sen. Jent moved that **SB 221 DO PASS AS**
AMENDED.

Discussion:

00:07:13 Sen. McGee
00:08:00 Sen. Jent
00:12:17 Sen. McGee
00:13:29 Sen. Laslovich
00:14:33 Sen. Esp
00:18:08 Sen. Shockley
00:18:54 Sen. Larsen
00:20:36 Sen. Esp
00:21:07 Sen. Larsen

00:21:48 **Motion:** Sen. Laslovich moved that **SB 221 BE AMENDED.**
EXHIBIT(jus38a02)

Discussion:

00:23:52 Sen. Esp

00:24:57 **Vote:** Motion that **SB 221 BE AMENDED** carried 11-1 by
voice vote with Sen. Esp voting no. Sen. Juneau voted
by proxy.

00:25:11 **Motion:** Sen. Jent moved that **SB 221 DO PASS AS AMENDED.**

Discussion:

00:25:21 Sen. Shockley
00:26:02 Sen. Perry
00:26:55 Sen. Jent

00:28:23 **Vote:** Motion that **SB 221 DO PASS AS AMENDED** carried 9-3 by roll call vote with Sen. Curtiss, Sen. Esp, and Sen. Shockley voting no. Sen. Juneau voted by proxy.

EXECUTIVE ACTION ON SB 288

00:29:31 Valencia Lane
00:29:47 Sen. Perry
(No action taken.)

EXECUTIVE ACTION ON SB 327

00:30:21 **Motion:** Sen. Curtiss moved that **SB 327 DO PASS.**

Discussion:

00:30:53 Sen. Laslovich
00:32:22 Sen. Perry
00:32:26 Ms. Lane
00:32:58 Sen. Laslovich
00:33:43 Sen. McGee
00:34:16 Sen. Curtiss
00:34:44 Sen. McGee

00:35:14 **Motion:** Sen. Shockley moved that **SB 327 BE AMENDED.**
EXHIBIT(jus38a03)

Discussion:

00:38:17 Ms. Lane
00:38:31 Sen. Shockley
00:38:35 Sen. McGee
00:38:57 Sen. Perry
00:39:19 Ms. Lane
00:39:40 Sen. McGee
00:40:06 Sen. Shockley
00:40:27 Sen. Esp
00:40:45 Sen. Curtiss
00:40:49 Sen. McGee

00:41:13 Sen. Laslovich

00:41:54 Sen. McGee

00:42:12 Sen. Shockley **WITHDREW the MOTION SB 327 BE AMENDED.**

00:42:15 Sen. Perry postponed action on SB 327.

EXECUTIVE ACTION ON SB 332

00:42:54 **Motion:** Sen. Shockley moved that **SB 327 DO PASS.**

Discussion:

00:43:08 Sen. Laslovich

00:44:01 Sen. Shockley

00:44:57 **Vote:** Motion that **SB 332 DO PASS** failed 6-6 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, Sen. Murphy, Sen. Perry, and Sen. Shockley voting aye. Sen. Juneau voted by proxy.

EXECUTIVE ACTION ON SB 333

00:46:38 **Motion:** Sen. Shockley moved that **SB 333 DO PASS.**

Discussion:

00:47:00 Sen. Laslovich

00:47:15 Sen. Shockley

00:47:36 Sen. McGee

00:49:13 Sen. Laslovich

00:50:35 Sen. Shockley

00:51:31 Sen. Hinkle

00:52:10 Sen. Jent

00:54:15 Sen. Curtiss

00:54:43 Sen. Moss

00:56:20 Sen. Shockley

00:56:22 **Vote:** Motion that **SB 333 DO PASS** failed 6-6 by roll call vote with Sen. Curtiss, Sen. Hinkle, Sen. McGee, Sen. Murphy, Sen. Perry, and Sen. Shockley voting aye. Sen. Juneau voted by proxy.

00:57:03 **Motion/Vote:** Sen. Shockley moved that **SB 332 AND SB 333 BE TABLED**. Motion carried by voice vote 10-2 with Sen. Hinkle and Sen. McGee voting no. Sen. Juneau voted by proxy.

00:58:08 break

HEARING ON SB 380

Opening Statement by Sponsor:

01:11:12 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 380, Prohibit vehicle registration for unauthorized aliens.

Proponents' Testimony:

01:12:17 Paul Nachman, self, Bozeman
01:14:35 Kelly Wood, self, Bozeman
01:18:13 Mary Beveridge, self
01:19:32 Gilda Clancy, Montana Eagle Forum

[EXHIBIT\(jus38a04\)](#)

[EXHIBIT\(jus38a05\)](#)

Opponents' Testimony:

01:20:44 Deborah Smith, self, Attorney
01:25:41 Shahid Haque-Hausrath, Attorney
01:29:39 Jamee Greer, Montana Human Rights Network
01:31:18 Jorge Quintana, self
01:34:09 Ted Dick, Service Employees International Union
01:34:29 Jacqueline Lenmark, American Insurance Association
01:36:09 Bruce Spencer, Property Casualty Insurers Association of America (PCIAA); Montana Auto Dealers Association

(Sen. Juneau entered room)

01:39:34 Niki Zupanic, ACLU
01:40:48 Rhonda Wiggers, Montana County Treasurers Association

Informational Testimony:

01:45:35 Brenda Nordlund, Acting Administrator, Department of Justice, Motor Vehicle Division

Questions from Committee Members and Responses:

01:51:02 Sen. McGee
01:52:05 Mr. Haque-Hausrath
01:57:51 Sen. McGee
01:57:55 Sen. Shockley
01:57:58 Sen. McGee
01:58:01 Ms. Nordlund
01:58:45 Sen. Hinkle
01:59:20 Sen. Shockley
02:01:39 Sen. Moss
02:02:46 Ms. Nordlund
02:04:41 Sen. Moss
02:05:14 Ms. Wiggers
02:06:27 Sen. Juneau
02:07:30 Ms. Nordlund
02:13:05 Sen. Perry
02:13:29 Ms. Lenmark

Closing by Sponsor:

02:16:07 Sen. Shockley

02:21:17 break

HEARING ON SB 381

Opening Statement by Sponsor:

02:29:58 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 381, Direct department of justice to enter MOU on enforcement of alien laws.

Proponents' Testimony:

02:32:12 Paul Nachman, self, Bozeman
02:34:25 Kelly Wood, self, Bozeman
02:37:30 Gilda Clancy, Montana Eagle Forum
02:37:41 Harris Himes, Pastor, Big Sky Christian Center
02:37:58 Mary Beveridge, self

Opponents' Testimony:

02:38:49 Shahid Haque-Hausrath, Attorney
02:44:16 Kelsen Young, Executive Director, Montana Coalition
Against Domestic and Sexual Violence

EXHIBIT(jus38a06)

02:47:39 Bethany Letiecq, Gallatin Valley Human Rights Task
Force, Bozeman

02:50:41 Niki Zupanic, ACLU

02:54:02 Ted Dick, Service Employees International Union

02:54:18 Kim Abbott, Montana Human Rights Network

[EXHIBIT\(jus38a07\)](#)

[EXHIBIT\(jus38a08\)](#)

[EXHIBIT\(jus38a09\)](#)

Informational Testimony:

02:55:40 Col. Mike Tooley, Chief, Montana Highway Patrol,
Department of Justice

Questions from Committee Members and Responses:

02:58:52 Sen. Moss

02:59:30 Col. Tooley

02:59:59 Sen. Moss

03:01:09 Mr. Haque-Hasrath

03:01:32 Sen. McGee

03:01:55 Sen. Shockley

03:03:18 Sen. Curtiss

03:04:00 Mr. Haque-Hasrath

Closing by Sponsor:

03:05:49 Sen. Shockley

HEARING ON SB 382

Opening Statement by Sponsor:

03:09:57 Sen. Jim Shockley (R), SD 45, opened the hearing on SB
382, Prohibit noncooperation practices concerning
illegal aliens.

Proponents' Testimony:

03:12:18 Paul Nachman, self, Bozeman

03:14:50 Gilda Clancy, Montana Eagle Forum

03:15:06 Harris Himes, Pastor, Big Sky Christian Center

03:15:57 Kelly Wood, self, Bozeman

03:16:34 Mary Beveridge, self

Opponents' Testimony:

03:17:31 Shahid Haque-Hasrath, Attorney
03:21:46 Kim Abbott, Montana Human Rights Network
03:22:45 Niki Zupanic, ACLU
03:23:47 Bethany Letiecq, Gallatin Valley Human Rights Task
Force, Bozeman

Informational Testimony:

none

Questions from Committee Members and Responses:

03:24:23 Sen. Laslovich
03:24:44 Sen. Shockley
03:25:51 Sen. Moss
03:26:33 Ms. Letiecq
03:27:03 Sen. Moss
03:27:17 Ms. Abbott

Closing by Sponsor:

03:28:15 Sen. Shockley

HEARING ON SB 379

Opening Statement by Sponsor:

03:30:55 Sen. Gary Perry (R), SD 35, opened the hearing on SB
379, Create offenses concerning illegal aliens.

Proponents' Testimony:

03:32:01 Kelly Wood, self, Bozeman
03:34:42 Paul Nachman, self, Bozeman
03:35:53 Mary Beveridge, self
03:36:21 Harris Himes, Pastor, Big Sky Christian Center

Opponents' Testimony:

03:36:41 Jamee Greer, Montana Human Rights Network
03:38:12 Kelsen Young, Executive Director, Montana Coalition
Against Domestic and Sexual Violence

EXHIBIT(jus38a10)

03:39:48 Bethany Letiecq, Gallatin Valley Human Rights Task
Force
03:40:10 Niki Zupanic, ACLU
03:40:52 Ted Dick, Service Employees International Union
03:41:44 Wade Sykowski, farmer
03:43:09 Shahid Haque-Hasrath, Attorney
03:44:21 Deborah Smith, Attorney

Informational Testimony:

None

Questions from Committee Members and Responses:

03:46:51 Sen. Moss
03:47:49 Sen. Perry
03:48:08 Sen. Shockley
03:48:19 Sen. Murphy
03:49:09 Sen. Perry
03:52:36 Sen. McGee
03:52:50 Ms. Young
03:54:26 Sen. McGee
03:54:40 Mr. Greer
03:56:39 Sen. Shockley
03:57:01 Mr. Greer
03:57:20 Sen. Shockley
03:57:35 Ms. Young
04:00:23 Sen. Moss

Closing by Sponsor:

04:00:50 Sen. Perry

**Distributed to the Committee Members regarding SB 334, heard
2/12/09:**

[EXHIBIT\(jus38a11\)](#)

ADJOURNMENT

Adjournment: 12:02 P.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus38aad.pdf](#))